

BEFORE THE PLANNING COMMISSION
FOR THE CITY OF BEAVERTON, OREGON

IN THE MATTER OF A REQUEST FOR)	
)	ORDER NO. 1767
APPROVAL OF A CONDITIONAL USE)	
)	CU2004-0019
FOR A PLANNED UNIT DEVELOPMENT)	
)	ORDER APPROVING
(WASHINGTON COMMONS PUD), JOHN)	
)	REQUEST WITH
KLEIN AND DAVID NIELSEN,)	
)	CONDITIONS
APPLICANT.)	

This matter came before the Planning Commission on December 1 and December 15, 2004, on a request for Conditional Use approval for a seven lot Planned Unit Development (PUD) including attached and detached dwellings. The proposed site, which is approximately 1.4 acres in size, is located at the westerly terminus of SW Crestwood Drive, and is more specifically described as Tax Lot 101 on Washington County Assessor's Map 1S1-27AA. The parcel is zoned Residential Urban Standard Density (R-7).

Pursuant to Ordinance 2050, Section 50.45, the Planning Commission conducted a public hearing and considered testimony and exhibits on the subject proposal.

The Commission adopts the following supplemental findings in support of the final action, in response to key issues of concern, as identified herein.

Open Space Requirements. Staff raised the issue that the applicant's request for flexible setback approval is necessary in order for the Planned

Unit Development to meet the open space requirements in Section 60.35.15 of the Development Code. The Commission found that the intent of the open space requirement is to provide additional open space area outside the required setback. The applicant responded to the Commission by amending their proposal, and deleted Lot 7, making that area into additional open space. The applicant presented the Commission with their revised site plan showing six lots and showing that the Planned Unit Development met the 20% open space requirement found in the Development Code.

Noise Mitigation. The Commission and participants of the hearing raised concern that adequate noise mitigation was not being provided to the proposed development from Highway 217. Staff responded that noise mitigation is required when a proposal generates substantial noise impacts to existing developments and not from an existing noise source at the site such as Highway 217. Because the proposed subdivision would be placing residential uses adjacent to other residential uses, there are no adverse noise impacts, created by the proposal, to the existing residential area. As for the highway in which the proposal abuts, the noise generated from this PUD is minor and residential in character, and would not create adverse impacts to the highway which currently generates the higher level of noise. As stated in staff's memorandum dated December 15, 2004, the proposed fencing provides an amenity to the subject site and is not required for noise mitigation. Staff, in reviewing the design of the fencing has recommended that the length of

the fence be extended so that the fence provides an adequate amenity to the subdivision. The applicant responded to staff's comments with an amended Landscape Plan showing the extension of the fencing as well as a landscape berm at the south end of the development. The Commission found that the fence and landscape design shown on the Landscape Plan submitted on December 15, 2004, provided adequate noise amenities for the proposed development.

Fencing Adjacent To Neighboring Properties. The neighbors east of the open space tract raised concerns with the potential for increased noise and trespassing onto their properties by users of open space area. The applicant responded to the neighbors' concern by proposing fencing at the property line of the open space tract and the abutting residential development. The Commission found that the installation of the fencing will adequately address the impacts of the open space area to the abutting residential dwellings.

Landscaping Adjacent To The Parking Area. Staff raised a concern that the proposed shrubs south of the two guest parking spaces adjacent to the eastern property line and over the sewer easement may block maintenance vehicle access to the utility line and recommended a condition that the shrubs and ground cover in that area be replaced with grass. The Commission concurred.

The Commission, after holding the public hearing and considering all oral and written testimony, adopts the Staff Report dated November 24,

2004, the memorandum dated December 15, 2004, and the supplemental findings contained herein, as applicable to the approval criteria contained in Section 40.03 and Section 40.15.15.6.C of the Development Code.

Therefore, **IT IS HEREBY ORDERED** that CU2004-0019 is approved, based on the testimony, reports and exhibits presented during the public hearing on the matter and upon the background facts and findings and conclusions found in the Staff Report dated November 24, 2004, the conclusions found in the memorandum dated December 15, 2004, and herein subject to the following conditions:

Prior to issuance of the site development permit, the applicant shall:

1. Obtain approval of the Flexible Setbacks of the front and rear yards of the parent parcel. (Development Service Div./SNK)
2. Obtain Design Review approval for Lots 4 and 5. (Development Service Div./SNK)
3. Show the non-climbable fence is to be made of vinyl coated material. Fence posts shall be painted to match the vinyl color. (Development Services Div./SNK)
4. Incorporate fencing and landscaping shown on the revised landscaping plan dated December 15, 2004 into the final design. (Development Services Div./SNK)
5. Show the removal of the shrubs south of the two parking spaces adjacent to the entrance of the subdivision to be replaced with grass. The shrubs may be relocated elsewhere in the open space tract in locations approved by the Site Development Engineer. (Development Services Div./SNK)

Motion **CARRIED** by the following vote:

AYES: Winter, Bliss, Johansen, Pogue, and Maks.
NAYS: None.
ABSTAIN: None.
ABSENT: Barnard and DeHarpport.

Dated this _____ day of _____, 2004.

To appeal the decision of the Planning Commission, as articulated in Land Use Order No. 1767, an appeal must be filed with the City of Beaverton Recorder's Office by no later than 5:00 p.m. on _____ 2005.

PLANNING COMMISSION
FOR BEAVERTON, OREGON

ATTEST:

APPROVED:

SAMBO KIRKMAN
Associate Planner

DAN MAKs
Vice-Chairman

STEVEN A. SPARKS, AICP
Development Services Manager